

**Attached is an Add-on  
Agenda Item  
for the  
Meeting of Tuesday, February 10, 2004**

Regarding Senate Bill 488/ Board of County Commissioners Action of  
January 27, 2004


**Discussion Items by Commissioners**

**This document distributed: February 10, 2004**

# BOARD OF COUNTY COMMISSIONERS

## INTER-OFFICE MEMORANDUM

To: Honorable Chairman and Members of the Board of County Commissioners

From: Herbert W.A. Thiele, Esq.   
County Attorney

Date: February 9, 2004

Subject: Memorandum from Commissioner Grippa Regarding Senate Bill 488/Board of  
County Commissioners Action of January 27, 2004

---

This memorandum is being generated in response to the memorandum from Commissioner Tony Grippa to the Board of County Commissioners, dated January 29, 2004, and our subsequent conversations with Commissioner Grippa regarding his objection to the Board's decision to support of SB 488, concerning the Northwest Florida Water Management District taxation issue. Specifically, Commissioner Grippa has inquired as to whether or not the action taken by the Board at the meeting of January 27, 2004, on an item raised by Commissioner Maloy during the Commission Discussion Items section, was in violation of the Board's Rules of Procedure.

As you know, the County Attorney's Office is designated in the Rules of Procedure (Policy No. 01-05) as the Parliamentarian and interpreter of the Board's Rules of Procedure.

The issue of discussion items by Commissioners is set forth in Section V "Order of Business," Paragraph I "Discussion Items by Commissioners," in the Rules of Procedure set forth in said Policy. In that Section, the Policy states that "[t]he Board shall take no policy action without an agenda item, unless such is accomplished through a unanimous vote of the Board." It appears from the follow-up that there was a consensus/unanimous position of the Board to send the letter of support for SB 488 at the meeting. However, Commissioner Grippa's position is that it was known to members of the Board that he was not in accord with such action and thus, there would not have been a unanimous vote of the Board had he been able to be physically present at the Board Meeting. Further, it has been the past practice of the Board to agenda substantive matters on which there is to be a vote or position to be taken, prior to any further consideration by the Board of County Commissioners.

It is our opinion that the support or opposition to this Senate Bill 488 should have been deemed to be a substantive matter and that we failed to recognize same and require that it be scheduled for an upcoming meeting of the Board of County Commissioners. Therefore, we believe this matter should be again scheduled for discussion and a vote by the Board of County Commissioners at an upcoming meeting in February.

We have also advised Commissioner Grippa that any action of the Board taken at a previous meeting, whether unanimous or not, can be the subject of a motion to rescind the prior action, which, if seconded, could be approved on a majority vote. Thereafter, the matter would be back on the floor again for further debate and vote by the Board.


If you have any further questions with regard to this matter, please contact the County Attorney's Office.

HWAT:sl

Enclosures

# BOARD OF COUNTY COMMISSIONERS

## MEMORANDUM

**TO:** Honorable Chairman and Members of the Board of County Commissioners  
**FROM:** Commissioner Tony Grippa   
**DATE:** January 29, 2004  
**SUBJECT:** SB 488, Quadrupling of NFWMD Property Tax

---

In my allocated commissioner discussion during the January 27<sup>th</sup> meeting, my plans were to discuss these issues. The unforeseen, unavoidable absence prevented my leading discussion on these important topics.

At the end of the BOCC meeting, Commissioner Maloy asked for a letter of support regarding SB 488. This is a substantial issue that should not have been decided at 11:20 p.m. There was no vote to waive the rules, no vote to agenda this item, it was simply passed without objection. Moreover, I have read Senator Lawson's letter which gives his description of the bill. No where in this letter does he ask us to support this initiative as his good friend Commissioner Maloy stated to the BOCC. The County Policy states, as well as Robert Rules of Order that all items of substance be brought up before the BOCC and if there is a majority of support, the item be put on an agenda at a subsequent meeting. This policy was not followed, and thus there was not an opportunity for debate or PUBLIC INPUT.

Many BOCC members, specifically Commissioner Maloy, know that I took the time to testify on this issue at the Leon County Delegation Meeting. Thus, using my absence (the fact I was at TMH with my baby daughter) in order to move forward on a controversial issue, is simply not appropriate.

The fact that this bill quadruples the NFWFMD property tax, allows gubernatorial appointment to tax our citizens, allows the rest of the state to vote on this measure, coupled with the fact that the NFWFMD has not taken a position on this item because they have a \$15 million dollar surplus of the past few years are the type of important issues that should be on an agenda and discussed with public input.

Because the BOCC has already taken a position, without discussion or a request from our delegation, I am asking that this item be put on the agenda for full debate, public input, and consideration. To do otherwise would seem unfair to Commissioners that might want to discuss this item, to the public, and most of all to the taxpayers.

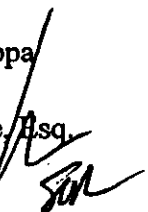
TG/ct

cc: Leon County Legislative Delegation  
Jim King, Senate President  
Johnnie Byrd, Speaker of the House  
Parwez Alam, Leon County Administrator  
Herb Thiele, Leon County Attorney

# BOARD OF COUNTY COMMISSIONERS

## INTER-OFFICE MEMORANDUM

To: Chairman Tony Grippa

From: Herbert W.A. Thiele, Esq.  
County Attorney 

Date: September 11, 2003

Subject: Creation of Board of County Commissioners' Agenda

---

In our capacity as the Board's Parliamentarian, the County Attorney's Office wishes to bring to your attention an ongoing problem with the formation of the agendas for the Board's regular meetings.

Specifically, the Board's practice, as well as our rules, require that individual Commissioners who wish to have items placed before the Board for its consideration must, in advance, seek the Board's specific vote or approval in placing the matter on the agenda.

In the past few months, there has been a tendency by individual Commissioners to place substantive, written items on the agenda for actual Board consideration, even though those matters had not been first presented to the entire Board for approval to place the matter on the agenda. It is our recommendation that this practice be addressed and that the prior policy of requiring a Board authorization to place matters on the agenda (unless it is a matter specifically required as part of the duties and responsibilities of the Chairman, Administrator, or County Attorney) be reemphasized and reestablished.

If you have any questions, please call me at 487-1008.

HWAT:sl

Follow-Up to County Commission  
Meeting of January 27, 2004  
Page 15

- **Commissioner Thael**

- Brought forth a request from the Boys and Girls Club of the Big Bend, Laura Lee facility, for \$200,000. Requested staff look into possibility of using housing funds (sale of single-family home bonds) and bring back an agenda item.

Staff: Public Services/Health and Human Services - Vince Long/Joe Sharp

- Requested a resolution for Mr. Wright, Miccosukee Volunteer Fire Department

Staff: Commission Aide - Martin Green

- Requested staff bring back details on the proposed Target store on the former Bradfordville-Phipps property.

Staff: GEM/Development Services - Gary Johnson/David McDevitt

- Requested staff look into allowing the Riley House to use a portion of the County's parking lot for community green space and bring a report back regarding the discussions.

Staff: Management Services/Facilities Management - Kim Dressel/Tom Brantley

- Requested staff schedule a workshop regarding the staff's report on the euthanasia of animals at the Tallahassee-Leon Community Animal Service Center and the possibility of a functional consolidation between City and County Animal Control.

Staff: Public Works/Animal Control - Tony Park/Richard Ziegler

- 

- **Commissioner Maloy**

- Remarkd on the Governor's budget - decrease in funds for juvenile justice/issues and that it is the third year of no raises for state employees - and asked the Board to send a letter to the Governor encouraging his support for meaningful pay raises for dedicated state workforce.

- Requested a letter of support be sent to State legislature in support of SB 488 regarding the Northwest Florida Water Management District's ability to levy the maximum millage rate to meet the water management needs of the region.

Staff: Public Services/Intergovernmental Affairs - Vince Long/Ben Pingree



## BOARD OF COUNTY COMMISSIONERS

301 South Monroe Street  
Tallahassee, Florida 32301  
(850) 488-4710

January 28, 2004

Commissioners:  
WILLIAM C. PROCTOR, JR.  
District 1  
JANE G. SAULS  
District 2  
DAN WINCHESTER  
District 3  
TONY GRIPPA  
District 4  
BOB RACKLEFF  
District 5  
RUDY MALOY  
At-Large  
CLIFF THAELL  
At-Large

PARWEZ ALAM  
County Administrator  
(850) 488-9962

HERBERT W.A. THIELE  
County Attorney  
(850) 487-1008

The Honorable Al Lawson  
The Capitol  
Room 210, Senate Office Building  
404 South Monroe Street  
Tallahassee, Florida 32399-1100

Dear Senator Lawson:

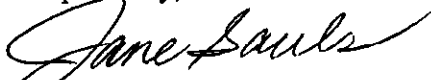
On behalf of the Board of County Commissioners, I am writing to express support of SB 488 and HB 233. This legislation that you, and fellow Leon County Delegation member Representative Curtis Richardson, have sponsored represents a significant step toward increasing the Northwest Florida Water Management District's (NFWFMD) ability to meet the water management needs of our developing region.

Currently, individual water management districts are each authorized to levy maximum millage rates to meet the water resource challenges in their regions. However, this playing field is markedly uneven. For example, the millage rate cap on NFWFMD is set at the very low level of 0.05 mills. This level is exponentially lower other districts' caps and results in a handicapping of our regional ability to protect our precious water resources. Your proposed legislation would enable the equalization of these millage rate caps and vest our district with the same abilities to meet our growing needs as other districts presently enjoy.

Most significantly, your legislation puts this question before the Florida voters, insuring that their voices are heard and that the final decision on this increasingly critical issue is theirs. It was for these reasons that Governor Bush recently supported your bill and its inherent direction to let the voters decide.

Thank you for your continued support on this and other key legislative issues that affect Leon County. Should you have any questions on this or any other Leon County issue, please do not hesitate to contact me or Parwez Alam, County Administrator, at 488-9962.

Respectfully,

  
Jane Sauls  
Chairman

Cc: The Honorable Governor Jeb Bush  
The Honorable Jim King, President of the Florida State Senate  
The Honorable Johnnie Byrd, Speaker of the Florida House of Representatives  
The Honorable Members of the Leon County Legislative Delegation